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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,706	05/30/2001	Kelvin Edmison	11453-US	6073

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EXAMINER

HAMILTON, LALITA M

ART UNIT PAPER NUMBER

3624

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/866,706	<b>Applicant(s)</b> EDMISON ET AL.	
	<b>Examiner</b> Lalita M. Hamilton	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-17 claim a software and firmware. However, the preamble and the body of the claim do not indicate that the program is stored on a medium nor executed on a computer. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Quernemoen (6,453,269).

Quernemoen discloses a method and corresponding processor, workstation, software, and firmware for performance comparison comprising selecting a statistic semantic mapping a performance report statistic based on a performance report statistic identifier from a body statistic semantic mapping metadata, the statistic semantic mapping having a greatest semantic mapping priority associated therewith (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); extracting a statistic

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value from body of common format statistics as specified in the statistic semantic mapping selected (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); selecting another statistic semantic mapping based on the same performance report statistic identifier having next greatest semantic mapping priority should the extraction of the statistic value from the body of common format statistics fail for the currently selected statistic semantic mapping and generating the performance report statistic whereby the use of semantic mapping priorities drives performance management reporting (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); extracting the statistic value from the body of common format statistics, extracting a common format statistic identifier specified in the selected statistic semantic mapping (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); extracting the statistic value from the body common format statistics, querying the body of common format statistics based on the common format statistic identifier extracted (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); the statistic semantic mapping specifies combination of a plurality of statistic values generate the performance report statistic, performing operations the plurality of statistic values (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); subsequent to the step of selecting the statistic semantic mapping, the method further comprises step of extracting from the selected statistic semantic mapping at least one operand and plurality of common format statistic identifiers (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); subsequent to

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extracting the statistic value from the body of common format statistics, performing a unit conversion on the extracted statistic value (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); subsequent to generating the performance report statistic, performing unit conversion on the generated performance report statistic (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); the selection of the performance report statistic is made from a body of performance reporting metadata (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); selecting the performance report statistic to be generated, method further comprises step of extracting the performance report statistic identifier used in selection of statistic semantic mapping for the generation of the performance report statistic (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); prior to the selection performance report statistics to be generated, the method further comprises a step of generating the body of common format statistics from raw statistic information received from at least one managed network element (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); generating the body of common format statistics, the method further comprises steps of extracting vendor statistic identifier for each raw statistic provided, selecting a specification for the generation of the corresponding common format statistic from a body of vendor statistics metadata based on the vendor statistic identifier, and generating the corresponding common format statistic according to the specification whereby the use of the body vendor statistics metadata reduces the need for re-coding parsing software in processing raw statistic information (col.3, line 5-15; col.3, line 55 to

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col.4, line 2; and col.6, line 62 to col.8, line 20); generating the common format statistic, the method further includes a step of normalizing the associated statistical value of the raw statistic with respect to units of measurement (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20); and generating the common format statistic, the method further includes a step of ascribing an associated common format identifier to the common format statistic (col.3, line 5-15; col.3, line 55 to col.4, line 2; and col.6, line 62 to col.8, line 20).

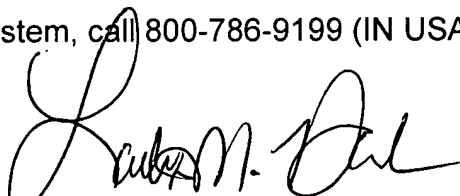
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lafta M. Hamilton  
Primary Examiner, 3624